IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

MFA.No. 1508 of 2001()

OPMV.522/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, MUVATTUPUZHA
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APPELLANT/PETITIONER:

SUNIL,S/O.KUTTAPPAN,
ARACKAL HOUSE, KAMPILINE,
NERIAMANGALAM P.O.,KOTHAMANGALAM.

BY ADV. SRI.S.GOPAKUMARAN NAIR
SRI.SOORAJ T. ELENJICKAL

RESPONDENTS/RESPONDENTS:

1.M.A.REGI,S/O.ARJUNAN,MADATHIKUDY HOUSE,
NERIAMANGALAM P.O., KOTHAMANGALAM,
D/L I-102/93, BADGE NO.L/32/95/ID
VALID UPTO 24.1.1998 (DRIVER OF THE LORRY BEARING
REG.NO.KEE-2796)

2.V.C.ABRAHAM,VALIAMPARAMBIL HOUSE,KOOMPANPARA P.O.,
ADIMALY, (OWNER OF THE LORRY BEARING REG.NO.KEE-2796)

3.UNITED INDIA INSURANCE CO. LTD., PANKAJ BUILDINGS,
MUNNAR, IDUKKI DIST., POLICY NO.101104/31/21/11/21058/96
CERTIFICATE NO.663554, VALID UPTO 21.12.1996 TO
20.12.1997. (INSURER OF THE LORRY BEARING REG.NO.KEE-2796).

BY ADV. SRI.JOHN JOSEPH VETTIKAD FOR R3

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 01/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.HEMA, JJ.

M.F.A.NO.1508 OF 2001 ()

Dated this the 1st day of November, 2007

J U D G M E N T

KOSHY,J.

Appellant in this case suffered personal injuries in an accident that occurred on 18.9.1997. Tribunal found that accident occurred due to the negligence of the driver of the offending vehicle insured by the 3rd respondent Insurance company. However, against a claim of Rs.2,00,000/- only Rs.90,000/- was awarded with 12% interest from the date of application till the date of deposit. Application was filed iN 1998. Award was passed inn 2000 and deposit was made subsequently. Fracture is only to supracondylar region. Even though doctor certified 10% disability on a mabrades scale, for fracture of the supracondylar region, tribunal has granted Rs.90,000/- with 12% interest. Appellant was only 24 years at the time of accident. Considering the nature of fracture, disability caused, total amount granted and the rate of interest,

we are of the opinion that just and reasonable compensation was awarded and no interference is required in the appeal and hence this appeal is dismissed.

J.B.KOSHY, JUDGE

K.HEMA, JUDGE

prp

J.B.KOSHY & K.HEMA, JJ.

M.F.A.NO.1508 OF 2001 ()

J U D G M E N T

1st November, 2007